

George Hofmann (10005)
Kathryn Tunacik (13363)
Cohne Kinghorn, P.C.
111 E Broadway 11th Fl
Salt Lake City, UT 84111
Tel: (801) 363-4300
Fax: (801) 363-4378
ghofmann@ck.law
ktunacik@ck.Law

Lucy Jewett Wheatley (*Pro Hac Vice*)
Claire Hagan Eller (*Pro Hac Vice*)
MCGUIREWOODS LLP
800 East Canal Street
Richmond, VA 23219
Tel: (804) 775-4320
Fax: (804) 698-2130
Email: lwheatley@mcguirewoods.com
Email: celler@mcguirewoods.com

Kyle S. Smith (*Pro Hac Vice*)
MCGUIREWOODS LLP
501 Fayetteville St., Ste. 500
Raleigh, NC 27601
Tel: 919-835-5966
Fax: 919-755-6607
Email: ksmith@mcguirewoods.com

Jessica S. Maupin (*Pro Hac Vice*)
MCGUIREWOODS LLP
2601 Olive Street, Suite 2100
Dallas, TX 75201
Tel: (214) 932.6400
Fax: (214) 932.6499
Email: jmaupin@mcguirewoods.com

Attorneys for Defendants
MavorCo Holdings, LLC; MavorCo IP,
LLC; and MavorCo Operations, LLC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

BLENDTEC INC., a Utah Corporation

Plaintiff,

v.

**BLENDJET INC., a Delaware corporation,
MAVORCO HOLDINGS, LLC, a
Delaware limited liability company,
MAVORCO IP, LLC, a Delaware limited
liability company, and MAVORCO
OPERATIONS, LLC, Delaware limited
liability company,**

Defendants.

**MAVORCO'S MOTION FOR
EXTENSION OF TIME TO FILE
MEMORANDUM OPPOSING
PLAINTIFF'S FRCP 26(b)(5)(B) MOTION**

Civil No. 2:25-cv-00096-RJS-DBP

Judge Robert J. Shelby

Magistrate Judge Dustin B. Pead

Pursuant to FRCP 6 and DUCivR 7-1, Defendants MavorCo Holding, LLC, MavorCo IP, LLC, and MavorCo Operations, LLC (collectively “MavorCo”), by and through counsel, respectfully moves this Court for a 14-day extension of time to file a memorandum in opposition to Plaintiff Blendtec Inc.’s (“Plaintiff” or “Blendtec”) FRCP 26(b)(5)(B) Motion (Dkt. 91) (the “Motion”), making the deadline **Monday, August 18, 2025**. In support thereof, MavorCo respectfully states as follows:

1. On July 21, 2025, Blendtec filed its FRCP 26(b)(5)(B) Motion (Dkt. 91).
2. Pursuant to DUCivR 7-1(a)(4)(D), the deadline to file a memorandum opposing the Motion is currently August 4, 2025. The court has not granted any previous extensions of this deadline.
3. Mid-day today, on August 4, 2025, counsel for MavorCo has learned that Defendant BlendJet, Inc. (“BlendJet,” and together with MavorCo, “Defendants”) intends to retain counsel to represent it in the above-referenced action this week.
4. In light of this new information and the gravity of relief that the Motion seeks, good cause exists for MavorCo to request a two-week extension for all Defendants to file their responses to the Motion. As is explained in more detail below, given the critical implications of the relief sought in Blendtec’s Motion, the requested extension will allow BlendJet the opportunity to prepare and present its position, and it will provide MavorCo an opportunity to confer with incoming counsel for BlendJet ensuring that Defendants’ interests are adequately represented.
5. The Motion is presented to the court as a privilege dispute involving “twelve highly relevant documents produced by Blendjet” during discovery in the case *Blendtec Inc., v. BlendJet Inc.*, No. 2:21-cv-00668, in the U.S. District Court for the District of Utah (the “2021 Action”). Mot.

At 1. These documents are Exhibits 4, 56, 57, 58, 60, 61, 62, 64, 70, 71, and 81¹ to Blendtec's Supplemental Brief in Support of Its Preliminary Injunction Motion (D.I. 72), along with the parties' briefing that quote or discusses these exhibits in detail.

6. These exhibits are also the subject of several motions to maintain documents under seal related to the parties' supplemental briefing on Blendtec's Preliminary Injunction Motion, in part because the documents have been clawed back by BlendJet under a claim of privilege. *See* D.I. 90 at 4–6; *see also id.* at Ex. 1 & its Ex. A.

7. Despite the posture of the Motion, Blendtec is asserting that neither, BlendJet, Ryan Pamplin (BlendJet's Founder and CEO), nor MavorCo can claim privilege over confidential, attorney-client communications related to Blendtec's decades-long business of selling blenders under its trademarks. Instead, Blendtec is asking this court to find that no attorney-client privilege exists in connection with that business. Additionally, the Motion improperly prompts the Court to address issues of successor liability, which is the focus of MavorCo's pending Motion to Dismiss (D.I. 43) and is not appropriate for consideration here.

8. Finally, and as mentioned above, BlendJet is the party that clawed back the documents at issue under a claim of privilege, and is working to retain counsel.

9. Given the gravity of Blendtec's requests in the Motion, not granting an extension would be unfair and prejudicial to BlendJet's rights because it would not allow BlendJet an opportunity to be heard on this issue. *See Two Old Hippies, LLC v. Catch the Bus, LLC*, 784 F. Supp. 2d 1221, 1227 (D.N.M. 2011) ("A person's day in court is, however, more important than the

¹ The sealed versions of these exhibits can be found at D.I. 72-4, 72-56 through 72-58, 72-60 through 72-63, 72-67, 72-68, 72-77.

convenience”) (quoting another source). Denying this extension request would also deprive Defendants an opportunity to confer, particularly on such an important issue.

10. On the other hand, granting the extension would not prejudice Blendtec or cause unnecessary delays, as the Court would still be apprised of the Parties’ positions prior to the hearing on the preliminary injunction motion scheduled for August 21, 2025. *See* D.I. 69; *Hunt v. Green*, 376 F. Supp. 2d 1040, 1042 (D.N.M. 2004) (granting an extension and finding no unnecessary delay when the parties’ briefs would be filed ahead of a hearing, and being “sensitive to the schedule for the Defendants’ [new] counsel,” stating that “[i]f she requires additional time to file her replies, the Court would likely be inclined to grant it.”).

11. For these reasons, MavorCo respectfully requests that the Court grant this Motion for Extension of Time to File a Memorandum Opposing Plaintiff’s FRCP 26(B)(5)(B) Motion, and any other relief the court deems just and proper.

Respectfully submitted, this 4th day of August 2025.

/s/ Lucy Jewett Wheatley
George B. Hofmann, IV (10005)
Kathryn Tunacik (13363)
COHNE KINGHORN, P.C.
111 E Broadway 11th Fl
Salt Lake City, UT 84111
Tel: (801) 363-4300
Fax: (801) 363-4378
Ghofmann@cohnekinghorn.Com
Ktunacik@ck.Law

Lucy Jewett Wheatley (*Pro Hac Vice*)
Claire Hagan Eller (*Pro Hac Vice*)
MCGUIREWOODS LLP
800 East Canal Street
Richmond, VA 23219

Tel: (804) 775-4320
Fax: (804) 698-2130
Email: lwheatley@mcguirewoods.com
Email: celler@mcguirewoods.com

Kyle S. Smith (*Pro Hac Vice*)
McGUIREWOODS LLP
501 Fayetteville St., Ste. 500
Raleigh, NC 27601
Tel: 919-835-5966
Fax: 919-755-6607
Email: ksmith@mcguirewoods.com

Jessica S. Maupin (*Pro Hac Vice*)
McGUIREWOODS LLP
2601 Olive Street, Suite 2100
Dallas, TX 75201
Tel: (214) 932.6400
Fax: (214) 932.6499
Email: jmaupin@mcguirewoods.com

Attorneys for Defendants
MavorCo Holdings, LLC; MavorCo IP, LLC; and
MavorCo Operations, LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2025, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to counsel of record for all parties to this action registered with the CM/ECF system.

Brett Foster (#6089)

Mark Miller (#9563)

Tamara Kapaloski (#13471)

DORSEY & WHITNEY LLP

111 S. Main Street, Suite 2100

Salt Lake City, UT 84111

Telephone: (801) 933-7360

Facsimile: (801) 933-7373

foster.brett@dorsey.com

millers.mark@dorsey.com

kapaloski.tammy@dorsey.com

Attorneys for Plaintiff Blendtec Inc.

/s/ Lucy Jewett Wheatley

Lucy Jewett Wheatley